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COMMENTS

RE: PCT/US03/07631

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July 12, 2004

Via fax

Examiner A. de Biasio
International Preliminary Examining Authority
European Patent Office
D-80298 Munich
Germany

Re: International Patent Application No. PCT/US03/07631
Applicant: Battelle Memorial Institute
TREATMENT OF ENVIRONMENTAL POLLUTANTS WITH MINERAL ORES

Dear Examiner de Biasio:

In response to the Written Opinion under PCT Rule 66, dated 11 March, 2004, the three-month period for response having been extended for an additional month, please consider the attached amended set of claims and the comments made herein.

Attached to this letter is an amended set of claims for the present application; the claims are presented in two different formats. In the first format, the claims show the specific amendments made herein. In the second format, the claims are presented as pages to be substituted into the present application. After the amendments, claims 1 and 7-24 are in the application.

Claim 1 has been amended as follows:

- at line 1, "process" has been changed to "method" to make the language consistent with the dependent claims, such as claim 7;
- at lines 1 and 3, "gas" has been eliminated as a substrate on which to perform the process of the present invention;
- at lines 2 and 3, "heavy metals" has been deleted and "a pollutant" has been inserted (antecedent basis is found at page 1, lines 14–19 of the present application);
- at line 3, "sediment, fractured rock" has been inserted as substrates for the method of the present invention (antecedent basis is found at page 6, line 14, of the present application);
- at line 4, "selected from the group consisting of" has been deleted and "comprising" inserted therefor; and
- at line 4–5, "and modified bauxite" has been deleted and "in its relatively natural form" inserted in its place (antecedent basis is found at page 3, line 31, of the present application).

Claims 2–6 have been cancelled.

In claim 7, at line 2, "ore" has been deleted since it is not needed in this claim.

New claim 11 has been added relating to the use of crushed bauxite (antecedent basis found in the present application at page 13, line 1).

New claim 12 has been added relating to the use of granular bauxite (antecedent basis found in the present application at page 5, line 1).

New claim 13 has been added relating to the use of powdered bauxite (antecedent basis found in the present application at page 5, line 2).

New claim 14 relating to the use of a subsurface mineral ore barrier has been added (antecedent basis found in the present application at page 10, line 18).

New claim 15 relating to the use of a permeable barrier has been added (antecedent basis found in the present application at page 4, line 32).

New claim 16 relating to the use of a permeable barrier in the path of groundwater flow has been added (antecedent basis found in the present application at page 15, line 10).

New claim 17 relating to groundwater treatment has been added (antecedent basis found in the present application at page 4, line 16).

New claim 18 relating to the treatment of surface water has been added (antecedent basis found in the present application at page 4, line 16).

New claim 19 relating to mixing the bauxite with water, sediment, fractured rock, or soil has been added (antecedent basis found in the present application at page 5, line 3; page 8, line 26; and page 10, lines 25-26).

New claim 20 relating to the treatment of heavy metal pollutants has been added (antecedent basis found in the present application at page 1, lines 17-19).

New independent claim 21 defining a sequester of pollutants has been added (antecedent basis found in the present application at page 5, line 3, and claims 1 and 19).

New claim 22 relating to the use of granulated or powdered bauxite has been added (antecedent basis found in the present application at page 5, lines 1-2).

New independent claim 23 defining a permeable barrier for preventing migration of pollutants has been added (antecedent basis found in the present application at page 4, line 32; page 5, line 5; and claim 1).

New claim 24 has been added defining a permeable barrier of granular or powdered bauxite (antecedent basis found in the present application at page 5, lines 1-2).

It is believed that the amended claims overcome all of the Examiner's grounds for rejection, in the Rule 66 opinion, since they were based on the treatment of gas substrates and the claims no longer cover the treatment of gas substrates. Further, to the extent that the references cited in the Search Report relate to substrates other than gas substrates, they all utilize modified bauxite materials. The claims currently in the present application all relate to the use of bauxite itself in its relatively natural form (not modified bauxite). That is not disclosed by any of the references relating to the treatment of non-gaseous substrates cited in the International Search Report.

Very truly yours,

FROST BROWN TODD LLC

By 
Steven J. Goldstein

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Attachements

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